

05-16-07

DAE #11

PTO/SB/64 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
22645-7013

First named inventor: Robert J. Fretz et al.

Application No.: 09/341,994

Art Unit: 2643

Filed: October 28, 1999

Examiner: Dabney, Phylesha Larvinia

Title: Behind the Ear Hearing Aid System

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the
United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set
for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before
June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

XX Other than small entity – fee \$ 1280 (37 CFR 1.17(m)).

2. Reply and/or fee

A reply in the form of a continued prosecution application (CPA) under 37 CFR 1.53(d) is enclosed herewith. An
Office Action has not yet been received although the Notice of Abandonment dated February 22, 2002 states
that an Office Action was mailed on June 19, 2001. This application was transferred to my firm around the end
of May 2001, and thus just prior to the mailing date of the Office Action in question. We filed a Revocation and
Appointment of New Power of Attorney along with a Change of Address on November 16, 2001, copies of
which were faxed to Examiner Dabney on February 7, 2002 in response to her call regarding the application's
abandonment.

(Page 1 of 2)

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments
on the amount of time you are required to complete this form should be sent to the Chief Information Office, U.S. Patent and Trademark Office, Washington, DC
20231. DO NOT SENT FEES OR COMPLETED FORMS TO THIS ADDRESS, SENT TO: Assistant Commissioner for Patents, Washington, DC 20231.

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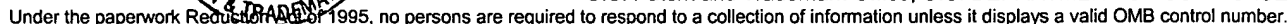
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3. Terminal disclaimer with disclaimer fee

XX Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.


- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

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May 15, 2002

Date _____


Signature

Signature

Telephone

Number: (415)393-2404

David G. Beck

Typed or printed name

McCutchen Doyle Brown and Enersen LLP
Three Embarcadero Center, Suite 1800
San Francisco, California 94111
Address

Enclosures: xx Fee Payment

xx Reply (CPA)

- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☐ Other:

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916..

Date _____

Signature

Type or printed name of person signing certificate

MAY 17 2002